IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

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WRIT PETITION NO : 15873 of 2004

Between:

1 Bhagavan Sri Satyasai Baba College Tadikonda,

Guntur District rep. by its Secretary & Correspodnent

Sri. Danekula Sambasiva RaoS/o. Ranga Rao R/o. 4th Lane, 4th Cross Road, Ashok Nagar Guntur.
2 Dhanekula Sambasiva Rao S/o. Ranga Rao
Secretary and Correspondent of Bhagavan Sri Satya Sai Baba College, Tadikonda, Guntur District

R/o. 4th Lane, 4th Cross Road, Ashok Nagar Guntur.

..... PETITIONER(S)

AND

1 The Govt of A.P., rep. by its Secretary, Dept., of High Education, Secretariat, Hyderabad.
2 The Commissioner of Collegiate Education, A.P. Hyderabad.
3 The Regional Joint Director of Collegiate Education, Guntur.
4 Gummadi Dharma Rao S/o. Sitaramaiah
Badepuram, Tadikonda Village & Mandal, Guntur District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue appropriate Writ, Order or direction more particularly one in the nature of writ of

Certiorari calling for the records in G.O.Rt.No.466 Higher Education (C.E.II-I) Dept Dt. 29. 7.2004 from the 1st respondent and quash the same declaring that the orders passed in G.O.Rt.No. 466 Higher Education (C.E.II-1) Department dt. 29.07.2004 are against principles of law and natural justice.

Counsel for the Petitioners:MR.D.V.REDDY

Counsel for the Respondent Nos.1 to 3: GP FOR HIGHER EDUCATION

Counsel for the Respondent No.4: MR. A.VENKATA RAMANA

The Court at the stage of admission made the following ORDER:

Heard the learned counsel for the petitioners, learned Government Pleader for Higher Education appearing for the respondents 1 to 3 and learned counsel for the fourth respondent.

The Government by G.O.Rt.No.263, dated 12-04-2004 allowed the appeal filed by the second petitioner setting aside the orders passed by the second respondent-Commissioner of Collegiate Education, Andhra Pradesh, Hyderabad, dated 05-07-2001 and directing the third respondent to take action accordingly in permitting the second petitioner to act as Secretary and Correspondent of first petitioner-College till a Correspondent is appointed by a duly elected management. On the representation made by the fourth respondent, by the impugned G.O.Rt.No.466, dated 29-07-2004, the Government set aside the orders passed in G.O.Rt.No.263, dated 12-04-2004. Hence, the present writ petition.

The learned Government Pleader for Higher Education appearing for the respondents 1 to 3 submitted that before passing the impugned Government Order setting aside the orders passed in G.O.Rt.No.263, dated 12-04-2004, no notice whatsoever was given to the second petitioner, in whose favour the appeal was allowed.

Once an order is passed in favour of the second petitioner on his filing an appeal, a right is accrued to him to have the benefits of the appellate order. The same cannot be set aside or modified without giving any opportunity to the second petitioner. Therefore, the action of the Government in setting aside to earlier order is in violation of principles of natural justice.

In view of the same, the impugned order passed by the Government is set aside and

the earlier order passed by it in G.O.Ms.No.263, dated 12-04-2004 is restored. The Government is at liberty to pass appropriate orders on the representation made by the fourth respondent after following the due procedure.

The writ petition is accordingly allowed. No costs.

13th SEPTEMBER, 2004.

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To

1 The Secretary, Government of A.P., Department of High Education, Secretariat, Hyderabad.
2 The Commissioner of Collegiate Education, A.P. Hyderabad.
3 The Regional Joint Director of Collegiate Education, Guntur.

4 Two CCs to the Government Pleader for Higher Education, A.P.High Court Buildings, Hyderabad (OUT)

5 Two CD copies.